

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

BEAR RANCH, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 6:12-cv-00014
	§	
HEARTBRAND BEEF, INC., et al.,	§	
	§	
Defendants.	§	

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO
FILE A REPLY IN EXCESS OF THE PAGE LIMIT**

Plaintiff Bear Ranch, LLC respectfully moves for leave to file a reply on its Motion for Partial Summary Judgment (Dkt. #73) in excess of the Court's page limit. That reply is being filed contemporaneously today. In support of this motion, Plaintiff respectfully shows as follows:

I. Plaintiff seeks to file a Reply in excess of 15 pages to adequately brief the issues.

On December 9, 2013, Plaintiff filed its Motion for Partial Summary Judgment to resolve all or part of one claim for declaratory relief, five counterclaims sounding in fraud, and one counterclaim of breach of contract. On December 30, 2013, Defendants responded, seeking and obtaining unopposed leave to file a 54-page Response, given the numerosity of the issues and detailed nature of several factual matters. The Response included an ample factual

discussion supported by new declarations, as well as argument on each of the claims or counterclaims identified above. On January 2, 2014, the Court granted the parties' joint motion to extend until January 14 the deadline to file a reply on their pending motions for summary judgment.

The Court's Practices and Procedures provide that, absent leave of the Court for extended briefing, any reply shall be limited to 15 pages. *See* Procedure B(6)(F). In order to adequately brief the Court on the detailed legal issues and factual matters raised by the Motion and the Response, Plaintiff respectfully requests leave to file a reply in excess of the Court's page limit. Counsel for Defendants has indicated that they consent to the relief requested herein.

In making this request, Plaintiff is mindful of the Court's burden, and that a useful reply is responsive and tailored, not a free-ranging discourse. Plaintiff has sought to reply as succinctly as practicable to the arguments raised on its entitlement to judgment as a matter of law, but believes that in this instance additional pages of argument are required so that justice may be done.

II. Prayer

Plaintiff respectfully requests that the Court enter the proposed order submitted herewith and grant Plaintiff permission to file a brief in excess of the page limits set forth in Procedure B(6)(F).

Dated: January 14, 2014

Respectfully submitted,

/s/ R. Paul Yetter

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CERTIFICATE OF SERVICE

I certify that on January 14, 2014, I served a copy of this document on all counsel of record using the Court's e-filing system.

/s/ J. Campbell Barker

J. Campbell Barker

CERTIFICATE OF CONFERENCE

I hereby certify that on January 14, 2014, pursuant to Local Rule 7.1, Plaintiff's counsel has conferred with Defendants' counsel regarding the relief requested in this motion, and Defendants are unopposed.

/s/ J. Campbell Barker

J. Campbell Barker